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*pro hac vice application pending*

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Attorneys for Plaintiffs Center for Biological Diversity, Kentucky Environmental Foundation,  
and Sierra Club

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,  
KENTUCKY ENVIRONMENTAL  
FOUNDATION, and SIERRA CLUB,

Plaintiffs,

V.

RURAL UTILITIES SERVICE, a federal agency  
with the United States Department of Agriculture,

Defendant.

Case No. 08-CV-01240-EMC

## PROOF OF SERVICE OF SUMMONS AND COMPLAINT AND OTHER DOCUMENTS

1  
2  
3 A copy of the Summons addressed to each Defendant, attached hereto as Exhibit A, and a copy  
4 of the Complaint in this matter were served pursuant to Rule 4(i) of the Federal Rules of Civil Procedure,  
5 by sending a copy of the Summons and Complaint via registered mail, return receipt requested, on March  
6 3, 2008, to the following:

7 James N. Andrew Director  
8 USDA Rural Utilities Service  
9 1400 Independence Avenue, SW  
10 Mail Stop 1510  
11 Washington, D.C. 20250-0747

12 U. S. Attorney General Michael Mukasey  
13 U.S. Department of Justice  
14 950 Pennsylvania Avenue, NW  
15 Washington, DC 20530-0001

16 Civil Process Clerk  
17 United States Attorney's Office  
18 450 Golden Gate Ave. 11<sup>th</sup> Floor  
19 San Francisco, CA 94102

20 The documents were received on March 10, 2008, March 10, 2008 and March 4, 2008, respectively.

21 A declaration of proof of service for each of the Summonses for each Defendant was executed on the  
22 Return of Service section of each Summons (see Exhibit A). Along with the Summons and  
23 Complaint in this matter, copies of the following documents were also served on each of the  
24 Defendants and the U.S. Attorney as listed above:

- 25 1. Civil Cover Sheet filed March 3, 2008;
- 26 2. Plaintiffs' Certification of Interested Entities or Persons filed March 3, 2008;
- 27 3. ECF Registration Information Handout;
- 28 4. Welcome to the U.S. District Court handout
5. U.S. District Court Northern District of California, Drop Box Filing Procedures
6. Notice of Assignment of Case to a U.S. Magistrate Judge for Trial;

- 1 7. Consent to Proceed Before a U.S. Magistrate Judge;
- 2 8. Declination to Proceed Before a U.S. Magistrate Judge
- 3 9. Order Setting Initial Case Management Conference and ADR Deadlines (w/  
4 attached Standing Orders);

5 Respectfully Submitted,

6  
7 DATED: March 27, 2008

/s/ Matthew Vespa  
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15  
16 Attorneys for Plaintiffs Center for Biological Diversity, Kentucky Environmental Foundation, and  
17 Sierra Club

# **Exhibit A**

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

Center for Biological Diversity et. al

E-filing

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

Rural Utilites Service

CV 08

1240  
EMC

TO: (Name and address of defendant)

USDA Rural Utilities Service (RUS)  
1400 Independence Avenue, SW., Mail Stop 1510  
Washington, DC 20250-0747

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Matthew Vespa  
Center for Biological Diversity  
1095 Market Street, Suite 511  
San Francisco, CA 94103

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

DATE MAR 3 2008

  
(BY) DEPUTY CLERK

MARY ANN BUCKLEY

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**Service of the Summons and Complaint was made by me <sup>1</sup>DATE March 3, 2008

Name of SERVER

Matthew VespaTITLE staff attorney

Check one box below to indicate appropriate method of service

- ☐ Served Personally upon the Defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☒ Other (specify): via certified mail, return receipt: FRCP 4(i)

**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

March 3, 2008  
Date

Signature of Server

Matthew VespaCBD, 1095 Market St, Suite 511  
Address of Server SF, CA 94103

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure